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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|-----------------------|------------------|
| 10/799,849 | 03/11/2004 | Kirupairaj Asirvatham | TI-37223 (1962-10600) | 1749 |

23494 7590 07/27/2006

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EXAMINER

VO, NGUYEN THANH

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2618

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/799,849 | ASIRVATHAM ET AL. | |
| | Examiner | Art Unit | |
| | Nguyen T. Vo | 2618 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16-19 is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-15 and 20-25 is/are rejected.
- 7) ☒ Claim(s) 10 and 26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claims 15, 19 are objected to because of the following informalities: claims 15 and 19 must be ended with a period ".". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-8, 11-14, 20, 22-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Xiong (US 2004/0198261, cited by examiner).

As to claims 1, 20, Xiong discloses a method, comprising determining a first gain setting for a communication device (see the pre-determined initial power level in paragraph [0024]); storing said first gain setting in memory in the communication device (see the pre-determined initial power level in paragraph [0024]); transmitting a calibration signal (see paragraph [0022]); changing a second gain setting until transmit power of the communication device is at a predetermined level (see paragraphs [0032]-[0033], [0035]); obtaining a value indicative of the transmit power (see paragraphs [0032]-[0033], [0035]); and storing the second gain setting and the value indicative of

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the transmit power in the communication device's memory (see paragraphs [0032]-[0033], [0035], and [0037]). Xiong thus discloses all the claimed limitations.

As to claims 3-5, 12-14, 22-23, 25, see Xiong, paragraphs [0024]-[0033].

As to claim 6, see Xiong, paragraph [0021], [0035], [0036]-[0037].

As to claims 7, 24, the rejection to claims 1 and 3 as set forth above is herein incorporated.

As to claim 8, see Xiong, paragraphs [0037], [0039]-[0040].

As to claim 11 the rejection to claims 1 and 3 as set forth above is herein incorporated. In addition, Xiong further discloses in figure 1 a baseband processor 102; an antenna 112; a radio containing a variable amplifier 106.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 2, 9, 15, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Xiong.

As to claims 2, 9, 15, 21, Xiong does disclose transmitting a calibration signal as set forth above (see paragraph [0022]), but fails to disclose transmitting a tone or other constant envelope signal as the calibration signal as recited in the claim. The examiner, however, takes Official Notice that transmitting a tone or other constant envelope signal as a calibration signal is known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Xiong such that the calibration signal is transmitted as a tone or other constant envelope signal, in order to allow the device to easily recognize the calibration signal.

Allowable Subject Matter

7. Claims 10, 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 10, 26, the applied references fail to disclose or render obvious determining the calibrated gain value by calibrating the communication device using the calibration signal **after** calibrating the communication device for error vector magnitude as specified in the claim.

8. Claims 16-19 are allowed.

As to independent claim 16, it is allowed for similar reasons as set forth in claim 10.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jenson (4,992,753); Medl (6,711,389); Liimatainen (6,370,364); Baldwin (6,735,420) and Tse (7,006,824) disclose transmit power control in transmitters.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen T. Vo whose telephone number is (571) 272-7901. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Nguyen Vo

Nguyen Vo
7-17-2006

**NGUYENT.VO
PRIMARY EXAMINER**